

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Rezone Request, Public Hearing, December 4, 2018

SUBJECT: Rezone portion of Parcel 0002407200, located in Section 05,
Township 20 North, Range 03 East

PRESENTED BY: Sandor Hopkins

GENERAL INFORMATION:

Applicant/Owner of Record: Michael Maeder

Property Location: The property is in NE ¼ S05, T20N, R03E, P.M.M., Cascade
County, MT and has a physical address of 3501 Vaughn Rd.

Existing Zoning: "SR-2" Suburban Residential 2

Requested Action: Rezone from "SR-2" Suburban Residential 2 to "I-1" Light
Industrial.

Existing Land Use: Storage of shipping containers and trailer houses.

Surrounding Zoning and Land Uses:

Direction	Parcel Number (s)	Zoning District	Existing Land Use
North	Parcel #0002588300 #0002588225	SR-2	Farmland, fallow, Residential
East	Parcel #0002402500	SR-2	Residential
South	No Parcel #	Right of Way	Right of Way
West	Parcel #0002407300 #0002407550	SR-2	Vacant, MDT Storage Facility

SPECIAL INFORMATION

1. Michael Maeder is petitioning as owner and applicant to rezone 30.75 acres of property from Suburban Residential 2 (SR-2) to Light Industrial (I-1).
2. The requested Light Industrial Zoning District permits all principal uses in a Commercial District and all industrial uses provided that all operations shall:

- a. Store all raw material, finished products, machinery and equipment, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height;
 - b. Emit no excessive obnoxious odors;
 - c. Exhaust no excessive waste into the air or create excessive dust;
 - d. Discharge no untreated sewage or industrial waste into any streams or on open grounds without appropriate approvals;
 - e. Carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;
 - f. Use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;
 - g. Conduct no mining, extracting, filling or soil stripping operations; and
 - h. Produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.
3. Other uses permitted in a Light Industrial district are laid out in Section 7.4.1.9 of the Cascade County Zoning Regulations (attached) and include a variety of uses ranging in intensity from Parks and Education or Worship facilities to Gravel Pits, Power Plants, Utility Installations, or Railroad Yards.
4. Agriculture and Residential uses are restricted to Special Use Permits in the Light Industrial District. Residential uses can only be permitted if required and incidental to the operation of an industrial enterprise.
5. Law enforcement activities are provided by the Cascade County Sheriff's Office and fire protection support is provided by the Vaughn Volunteer Fire Department.
6. Notice of Public Hearing was mailed to surrounding property owners on November 16, 2018. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on November 18, 2018 & November 25, 2018.

ZONING ANALYSIS

Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:

Criteria #1, the rezone application is made in accordance with the five listed goals in the growth policy;

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a

subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

Applicant: The proposed development will add additional business in the area. The smaller 10 acres tract is to be used for the repair and remodeling of manufactured homes with a yard and shop. This business would increase the employment of Cascade citizens. The larger tract could be used for self-storage which is need in the Great Falls area. The site is located near Great Falls making convenient storage for its citizens.

Staff: This rezone proposal would directly support the retention and expansion of existing businesses and create more land for commercial and industrial use by rezoning a part of an existing commercial/industrial development corridor from residential to industrial.

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant: The current land use is the storage of shipping containers and trailer houses and is mostly vacant land. The proposed development of the land will increase the value of the land into light industrial uses therefore increase the county's tax base.

Staff: This proposal is unlikely to have any impact on natural resource development in the county, given the relatively size and location of the parcel and lack of forested growth.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

Applicant: The proposed site is located near Interstate 15 off ramp and along a MDT highway making it prime location for light industrial business. Large trucks do not need to enter Great Falls or other residential areas to access the site. Other businesses in the areas include Bouma Wholesales, Diamond City Casino, Swain Spring Service, and Outback Power Company. As listed multiple businesses are in the area that would compliment a manufactured home repair shop.

Staff: The proposed rezone is located along Vaughn Road, adjacent to an area of the county zoned for both commercial and industrial development. Staff does not see much viability or desire to engage in further residential development along what is otherwise a commercial/industrial corridor in close proximity to an Interstate highway on-ramp.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant: The proposed development would not promote the cultural resources or tourism, but would add value to local businesses/citizens and land value to the area.

Staff: It is unlikely that this proposal will impact the development of cultural resources or tourism in any substantial way.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant: The property is owned and being developed by a Cascade County resident.

Staff: This proposal will create more lots for light industrial use. While the applicant intends to retain one of the lots for his own use, the additional lot could provide prime real estate for another developer in the area to use.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant: The proposed development would add local businesses to the local economy. These businesses could join or be involved in the organizations such as the chamber of commerce.

Staff: This proposal is from an area businessman who is involved in other projects around the county and intends to expand his current enterprise.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant: The proposed project is located near Great Falls and along major roads West of the city. It is located near other businesses, which will promote local shopping and business in the area.

Staff: While the current proposal is not directly for a retail location, the rezone would allow for such uses on those lots. The existing development corridor has a number of businesses and the proximity to the interstate could directly translate to lowered transportation costs and ease of access for any proposed businesses.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Applicant: As noted above the development is located near major roads connecting to Great Falls and along the Interstate corridor. This makes convenient access and availability to other communities outside the Great Falls area.

Staff: The proposed location is in close proximity to the Interstate highway system as well as a road connecting the city of Great Falls to Vaughn and developed areas of the county. The impact this would have on regional or statewide development would be dependent on the business, however it may provide a competitive edge to a business that is dependent on transportation.

I. Encourage the growth of the agricultural economy.

Applicant: The proposed development would not increase the agricultural economy, but the current property use is not agricultural. The land characteristics is not suitable for farm ground and would make marginal pasture land for livestock as it is small in size and without stock water.

Staff: This proposal would have a negligible impact on the agricultural economy. The land is not suitable for farming, and while it could be used for pasture, its proximity to major roadways means that it would likely have more value as a location for development.

J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

Applicant: The proposed development does not stimulate the growth of alternated methods of energy production either being solar, wind or geothermal.

Staff: While this proposal does not appear to be directly involved with a renewable energy proposal, the option to do so would not be limited. The change of zoning to light industrial would allow a more intensive power producing use to be placed there, however size of the parcel would likely be a limiting factor for larger scale development.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A.** Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant: The proposed development will not foster the continuance of agriculture and forestry. But neither does the current use of the land nor the current zoning as suburban residential promote the agricultural or forestry industry.

Staff: Staff does not believe this property is particularly suitable for agricultural development, and the lack of resources available in that sector precludes meaningful use of the land as such.

- B.** Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

Applicant: No response.

Staff: Staff does not believe this will have any negative impact on the scenic beauty of the county or conservation efforts.

- C.** Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Applicant: The proposed development is located 1 mile West of the city limits of Great Falls in an area of commercial/light industrial businesses. The property is located along Vaughn Road that borders BNSF railroad and Interstate 15.

Staff: Staff acknowledges that this proposal will do nothing to preserve the open space setting of the county, however given the surrounding uses and proximity to existing development and the city of Great Falls, staff is comfortable that this proposal is in line with the objective to encourage new development near an existing city.

D. Assure clean air, clean water, a healthful environment and good community appearance.

Applicant: The property is not located near high quality state waters and is void of any streams, rivers or lakes. The proposed business in the development will not create air pollution. And is located in an area that has the look and function of the proposed business in the development.

Staff: The applicant has conducted a number of studies as part of the subdivision process. Department of Environmental Quality approvals associated with the subdivision allow for a reasonable assurance that this objective will be met.

E. Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production.

Applicant: The proposed development does not support the development of natural resources in the fact that is not in the production or refining of natural resources. The property does not have oil, gas, gravel, timber available to produce. The property could be used for the production of solar energy.

Staff: There is a dearth of natural resources on this property, and as such it would be unsuitable for development in this sector. Staff agrees with the applicant's assessment that this rezone could potentially provide an opportunity to develop renewable energy sources.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant: The property does not have any known contaminates, therefore it does not need to be redeveloped.

Staff: The Staff concurs with the applicant's analysis. This property has not been identified as a Superfund or Brownfields site.

Goal 3: Maintain Agricultural Economy

Objectives:

A. Protect the most productive soil types.

Applicant: The property is located in productive soil types but has no access to irrigation waters. Also based on the size and shape of the property is not ideal for the production of dry/and farming or grazing.

Staff: Staff agree that the topography and size of the parcel restricts agricultural development. However, it is apparent that were this parcel part of a larger farming operation it could very well be farmed.

B. Continue to protect soils against erosion.

***Applicant:** The site will be developed using techniques to safe guard against soil erosion including a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will be held in place until final stabilization as determined by a certified SWPPP administrator. A re-vegetation plan will be submitted with the subdivision application to ensure the planting of vegetation to control erosion. The portion of the property with greater than 25% slopes is designated as a "No Build Zone ". Detention ponds will be constructed to control the release of pre-development flows and contain any sediment that may be carried by a storm event.*

Staff: The applicant has submitted a plan to mitigate stormwater along with their subdivision application and the required Department of Environmental Quality submissions for compliance with the Montana Sanitation and Subdivisions Act. Staff is confident that this proposal will not have an impact on soil erosion.

C. Protect the floodplain from non-agricultural development.

***Applicant:** The proposed development is not located within flood plains nor adjacent to streams, rivers or lakes.*

Staff: This proposal is not located in a Special Flood Hazard Area.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

***Applicant:** The proposed development may not add value the agricultural industry but does not take out land that is in agricultural production.*

Staff: Staff concurs that the applicant meets Goal 3 of the Cascade County Growth Policy and should not negatively impact the agricultural economy.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

***Applicant:** This development would have little to no influence on the federal congressional delegation to support maintaining the current mission status.*

Staff: Staff agrees with the applicant's assessment.

B. Promote the location of additional military missions in Cascade County.

Applicant: The proposed development will do little to promote the location of additional military missions in Cascade County.

Staff: Staff agrees with the applicant's assessment. The nearest launch facility is approximately 7 miles away.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Applicant: The proposed development would have little to no influence to encourage the reactivation of the runway at Malmstrom Air Force Base.

Staff: Staff agrees with the applicant's assessment. This property is in the Military Overlay District-F, which restricts development 500 feet above the Malmstrom helicopter runway at 3,526 ft. The highest buildable location of this subdivision is approximately 3,440 ft.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: The proposed development is on the Westside of Great Falls, being on the opposite side of the City than Malmstrom Air Force Base. It will not affect the mission capabilities of the military installation. The property is located 1 mile from the Great Falls City Limits and is near other developments.

Staff: Staff agrees that the applicant meets Goal 4 of the Cascade County Growth Policy, and should not negatively impact the presence of the US Military in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Applicant: The property is being developed by a local resident, thus promoting the citizens independent lifestyle by encouraging self-sufficiency and self-reliance.

The proposed light industrial property could be redeveloped to match the evolving economy and changing population. The property's proximity to Great Falls, major roads and Interstate 15 interchange make it property that will maintain its value to the community.

Staff: Staff believes that this proposal is in line with supporting this objective. The applicant already owns this land and intends to repurpose it through the appropriate channels of local government.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Applicant: The property does not contain any known cultural or archaeological sites. A letter from the State Historical Preservation Office stating that fact can be found in Appendix H.

Staff: Staff confirms the applicant's assessment and does not anticipate any detrimental impact to this objective.

C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

Applicant: The current vegetation cover is grass land with little or no fire breaks. The proposed development will create areas with little or no combustible material. The property slopes are 3% - 8% slopes. The area greater than 25% is designated as a no build zone. A fire protection plan is submitted with the Subdivision application that address the land owner's requirements in the covenants to mitigate the fire dangers in the area.

Staff: Staff confirms a fire protection plan has been submitted along with the subdivision application materials associated with this rezone and is comfortable with the assessment made.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: The proposed development does not discourage the continued development of educational programs, recreational opportunities or health services. The property is not located in areas that would be suitable for the above listed facilities. And does not adjoin properties that offer these services.

Staff: Staff does not anticipate that this proposal will have any detrimental impact on the substance of this objective, however it is unlikely to have a positive impact either.

Criteria #2, whether the zoning regulations have been designed to secure safety from fire and other dangers.

Applicant: The proposed development would provide a fire break between the large tracts of agricultural property to the North from business and homes to the East and South. The tract size the property is not high density and will allow fire departments access and breaks to fight fires in the wild/and/urban interface.

Staff: Staff agrees with the applicant's analysis. Any industrial uses located in proximity to major roadways will have lowered response times should an incident occur.

Criteria #3, whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Applicant: The proposed amendment will not be a detriment to public health, safety or general welfare. It promotes the health, safety and general welfare of the residents of Cascade County by being well planned and well positioned development of the vacant lands in the Great Falls area. It uses land that are not well positioned to be agricultural lands or residential property based on the poor water quality in the area.

Staff: Staff concurs with the applicant's analysis. From a planning standpoint it is preferred that this type of development occur in an area where there are similar uses in proximity to major transportation routes.

Criteria #4, whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Applicant: The proposed development does not adversely affect the transportation of the area because the existing road infrastructure in the area. The property does not have water courses to affect and is not located in the flood plain. The ground water is not of high quality and is not suitable for potable use thus making the property unsuitable for residential homes. the proposed development will not add high concentrations of drainfields. A maximum of one drainfield per 10-acre tract. The sewage flows from the light commercial business would be minimal. The property is not located near large residential areas where schools or parks would be ideally placed.

Staff: While this proposal will not have an impact on parks or schools, the

remainder of this objective is addressed in the subdivision application as well as staff assessment of existing conditions in the area.

Criteria #5, whether the zoning regulations have been designed to provide adequate light and air.

Applicant: The proposed development will not create excess light or air pollution. The businesses that would be built are not heavy industrial to produce smoke or other contaminants in the air or produce light pollution that would disturb residential homes. The property to the west is an MDT maintenance yard. The property to the north is agricultural, the property to the south is Vaughn Road, BNSF Railroad and Interstate 15 and the property to the East is large residential tracts. Lot 3 of the proposed subdivision is to remain residential.

Staff: While this proposal will allow for an increase in intensity of use that may create additional light pollution, County Zoning Regulations address buffer yards and landscaping to mitigate potential issues in these types of circumstances. Additionally, the existence of the Interstate, the MDT facility, and other commercial and industrial uses in that area mean that the likelihood of this proposal creating a disturbance addressed by this criteria is reduced.

Criteria #6, whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.

Applicant: The proposed development is located adjacent to a major road (Vaughn Road) which is MDT R/W. The property is easily accessible by motorized traffic via Vaughn Road from Interstate 15 and the City of Great Falls from the Northwest Bypass. This makes the property convenient for traffic from Vaughn, City of Great Falls, Highway 87 and Interstate 15. Added traffic from the development can be easily handled by the existing road infrastructure in place.

Staff: This proposal is in close proximity to a number of roadways and will fit appropriately into the transportation character of that area. Non-motorized traffic is already negligible given the high-speeds of the road and character of development.

Criteria #7, whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

Applicant: The proposed amendment is located approximately 1 mile from the City limits of Great Falls. It is located near other areas of Light Industrial and matches the businesses on the Vaughn Road corridor.

Staff: Staff feels they would remain in harmony with surrounding uses and planned future development.

Criteria #8, whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

Applicant: The property is near other Light Industrial areas and is suitable for Light Industrial business based on its proximity to Vaughn Road and the Interstate 15 interchange. The property is also close the City limits of Great Falls which make convenient to the citizens of the county to access the businesses that would develop the property.

Staff: When considering the "Little vs. Board of County Commissioners," the first factor to consider is if "the proposed use is significantly different from the prevailing use in the area". The proposed light industrial uses will not be significantly different from the prevailing use to the west, south, or along the Vaughn Road corridor. The residential uses to the east may be negatively impacted by this proposal, however are relatively low in density compared to the prevailing use of the area.

The second factor is that the area to be rezoned is relatively small in comparison to surrounding uses. The acreage of the parcels petitioning for the rezone (30.75) is roughly in line with the adjacent parcels. The Light Industrial parcels across Vaughn Rd range in size from 5 acres to 9.06 acres. The parcel as it exists pre-subdivision is relatively large compared to adjacent parcels to the South, East, and West, however to the North parcel size increases dramatically as the prevailing use transitions to Agricultural. Staff does not believe the second factor will be met.

Finally, while the purpose of the rezone is to explicitly benefit one landowner, the change could encourage other land-owners to rezone their property as well to be in line with the remaining development in that area. Unfortunately while some adjacent properties are zoned for residential use, the prevailing use of the area is industrial and commercial and this proposal is in line with that. When considering all the factors, planning staff is comfortable that this is not a spot zone scenario.

Criteria #9, Whether the zoning regulations have been made with a view to conserving the value of buildings and land.

Applicant: The ground water in the area is not of high quality. Wells have been drilled in the area to 600'- 800' with poor water quality. If the property was to be residential development the landowners would be required to use cisterns. This would decrease the desirability and value of the property as a residential property. The property's proximity to other businesses of similar character make most appropriate use of the land as light industrial.

Staff: Staff believes that this proposal could have a detrimental effect on the value of adjoining residences, however may encourage those residents to seek a re-zone, which would increase their property value. The parcel to be rezoned would undoubtedly bring more revenue into the county by increasing its property value and potential for development.

Criteria #10, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: The proposed amendment is compatible with zoning ordinances of nearby municipalities. In Great Falls areas around major roads {Vaughn Road} and near the railroad tracks are typically light industrial/commercial in nature. In the city limits, property along Vaughn Road on the west side of the city is either M-1 Mixed-use district or I-1 Light Industrial. This area is one mile East of the proposed amendment.

Staff: This property is located in an mostly industrialized area in Cascade County and in the proximity of the City of Great Falls.

CONCLUSION

While neighboring residents could be negatively impacted by this proposal, there are already existing industrial and commercial uses in that area. While it is not ideal to take land out of residential development, staff does not believe that this is an ideal area for residential development given the proximity to non-residential uses and major transportation corridors, both of which will negatively impact the value of any potential future residential development. Staff believes that this rezone is in the interest of the County and is in support of this proposal.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Michael Maeder to rezone a portion of parcel #0002407200 located in Section 5, T. 20N., R. 3E., P.M.M., Cascade County, MT. from “SR-2” Suburban Residential 2 to “I-1” Light Industrial, be **denied.**”

OR:

Recommendation Two:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Michael Maeder to rezone a portion of parcel #0002407200 located in Section 5, T. 20N., R. 3E., P.M.M., Cascade County, MT. from “SR-2” Suburban Residential 2 to “I-1” Light Industrial, be **approved.**”

Attachment:

- 1) Rezone application
- 2) Map showing parcel zoning